

- REFERENCE:** 10/00252/FUL
- SITE:** Former Woodward International, Hatherley Lane
- PROPOSAL:** Proposed mixed use development comprising 7,608 sq m of class B1 office space and 6,919 sq m of class A1 food store, petrol filling station, ancillary uses and associated works
- RECOMMENDATION:** Permit subject to the provisions of the required planning obligations under Section 106

The attached email was circulated yesterday. Its message is that the possibility of developing a supermarket on the North Place site has not been given sufficient consideration in the light of changing market conditions.

This issue has actually been addressed in the 16th June update on green paper, paragraphs 4.6 – 4.9. The update makes it clear that with a relatively recent (2008) SPD and development brief in place, which refers only to small scale retailing, the Council as local planning authority (LPA) cannot currently regard the site as suitable for a major food store.

If the SPD and development brief were changed without a proper consultation process in order to provide a benefit to the Council as landowner, then this process is likely to be regarded as being biased and could lead to a successful legal challenge against the Council.

Similarly, if the application is refused or deferred today in order to benefit the Council's position as landowner, then this too is likely to be regarded as being biased and could be challenged in court.

For the avoidance of doubt, if the council wishes to change or replace the adopted 2008 SPD it must go through a new statutory process involving preparation, publication, consultation, consideration of responses and adoption. This is a legal obligation on the council and to circumvent it would clearly be open to legal challenge. It is wrong to claim that current market conditions allow the council to set aside the SPD in its adopted form.

Erratum

The main report (published in May) states on Page 8 that Coronation Square is approximately 2.5 km from the proposal site. The distance is in fact approximately 1.5 km.